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December 18, 2006

To: Examiner El Arini
Art Unit 1746
Fax No.: (571) 273 8300

From: Richard L. Huff
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Pages including this page: 5

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p.2

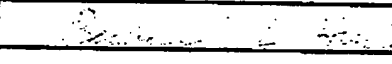
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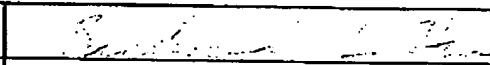
PTO/SB/21 (08-08)

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/656,853
	Filing Date	09/08/2003
	First Named Inventor	Cetrangelo
	Art Unit	1746
	Examiner Name	Ei Arini
	Attorney Docket Number	CETR200
Total Number of Pages in This Submission		4

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks _____ Response to Notice Requiring Excess Claim Fee		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	Law Offices of Richard L. Huff	
Signature		
Printed name	Richard L. Huff	
Date	12/18/2006	Reg. No. 33627

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:	
Signature	
Typed or printed name	Richard L. Huff
Date	12/18/2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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1 DEC 18 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Cetrangelo

PATENTS

Serial No. 10/656,953

Group Art Unit: 1746

Filed: 09/08/2003

Examiner: El Arini

For: DEVICE FOR CLEANING DENTAL INSTRUMENTS

RESPONSE TO NOTICE REQUIRING EXCESS CLAIM FEES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is responsive to the Notice Requiring Excess Claims Fees mailed 12/13/2006.

Applicant was given thirty days or one month, whichever is longer, in which to submit a fee payment of \$100 or an amendment cancelling the excess claim in order to avoid abandonment of this application. Applicant proposes a third alternative, which is the submission of an argument showing that the original notice was in error and a request that the notice be withdrawn.

First, Applicant was given one month to make a proper response in order to avoid abandonment. Section 714.03 of the M.P.E.P. requires that where there is sufficient time remaining in the period for reply (including extensions under 37 CFR 1.136(a)), the applicant may simply be notified that the omission must be supplied within the remaining time period for reply. Since applicant has until 2/28/2007 to make a complete response, holding the application abandoned if applicant fails to pay the required fee or cancel a claim by 1/13/2007 is contrary to PTO policy.